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Summary record of the 36th meeting
Held at Headquarters, New York, on Thursday, 7 December 2000, at 3 p.m.

Chairman: Mr. Rosenthal ..... (Guatemala)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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00-78745 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 127: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (*continued*) (A/54/120; A/55/5/Add.12, A/55/487, A/55/517 and Add.1, A/55/623 and A/55/642)

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1. **Ms. Geman** (United States of America) said that the two Tribunals' improved management of their growing workload and heightened focus on efficiency demonstrated their commitment to fulfilling their mandates. She welcomed the reports of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), which provided useful recommendations and comprehensive analyses of the Tribunals' budgets. She supported the Advisory Committee's request for timely and complete information from the Tribunals, particularly with respect to the status of implementation of the reforms in the areas identified as obstacles, such as pre-trial delays and prolonged trials. She also looked forward to the discussion of the modalities of longer-term planning, which would help the Tribunals to focus on forward-looking objectives, expected accomplishments and resource needs that could affect their work beyond the one-year budget cycle. She supported the Advisory Committee's recommendation on biennial budgeting.

2. Her delegation also supported the Advisory Committee's recommendations on the resource requests for the Tribunals, since greater expenditures at the current stage would help to improve long-term efficiency and effectiveness. However, in some areas, the Tribunals had not demonstrated that adequate steps had been taken to exhaust existing resources. Optimal use must be made of those resources before additional funds were requested; in particular, existing posts should be filled and steps should be taken, particularly at the International Criminal Tribunal for Rwanda, to improve the retention of staff. Her delegation agreed with the Advisory Committee on the need for restraint in establishing more administrative posts.

3. In view of the growth in the Tribunals' caseloads as a result of increased international cooperation and the diligence of investigators and prosecutors, her delegation had supported Security Council resolution 1329 (2000) on the establishment of a pool of ad litem judges in the International Tribunal for the Former Yugoslavia and the addition of two judges to the International Criminal Tribunal for Rwanda to augment the Appeals Chambers. Accordingly, it urged States to submit the names of candidates for those positions as soon as possible. Those steps would expedite the completion of the Tribunals' work. With respect to the International Tribunal for the Former Yugoslavia, she applauded its President's suggestion for solving the problem of underused courtroom space, which the Board of Auditors had identified in its report (A/55/5/Add.12). Her delegation would like specific information on the efforts being made at the International Criminal Tribunal for Rwanda to maximize courtroom use and ensure the availability of judges.

4. She was pleased that the Committee was able to consider the relevant reports of the Board of Auditors in conjunction with the reports of the Secretary-General and the Advisory Committee. The Board's report on the International Tribunal for the Former Yugoslavia focused on the Tribunal's overall mandate, while its report on the International Criminal Tribunal for Rwanda addressed administrative and managerial issues. In future, both reports should address both types of issues. The United States attached great importance to international justice and fully supported the Tribunals' work.

Agenda item 138: Financing of the United Nations peacekeeping forces in the Middle East (*continued*)

(b) United Nations Interim Force in Lebanon (*continued*) (A/C.5/55/L.11)

Draft resolution A/C.5/55/L.11

5. **Mr. Ahounou** (Côte d'Ivoire), speaking in his capacity as the coordinator of informal consultations

on agenda item 138 (b), said he regretted to report that no consensus had been reached on draft resolution A/C.5/55/L.11, entitled "Financing of the United Nations Interim Force in Lebanon".

6. **Mr. Wittmann** (United States of America) said that he, too, regretted that, because the proposed text presented problems, no consensus had been reached on the draft resolution.

7. *At the request of the representative of the United States of America, a recorded vote was taken on the fourth preambular paragraph and paragraphs 2, 3 and 14 of draft resolution A/C.5/55/L.11.*

In favour:

Algeria, Argentina, Bangladesh, Barbados, Belarus, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Chile, China, Comoros, Costa Rica, Cuba, Djibouti, Dominican Republic, Egypt, Ethiopia, Fiji, Gabon, Gambia, Guatemala, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Thailand, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Venezuela, Yemen, Zambia

Against:

Israel, Marshall Islands, United States of America

Abstaining:

Andorra, Australia, Austria, Belgium, Canada, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, France, Germany, Ghana, Greece, Guinea, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Spain, Sweden, Tonga, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay

8. *The fourth preambular paragraph and paragraphs 2, 3 and 14 of draft resolution A/C.5/55/L.11 were adopted by 68 votes to 3, with 35 abstentions.*

9. **The Chairman** invited the Committee to take action on draft resolution A/C.5/55/L.11 as a whole.

10. **Mr. Wittmann** (United States of America) said that, because certain paragraphs of the text were objectionable to his delegation, he would like to request a recorded vote on the draft resolution as a whole.

11. *A recorded vote was taken.*

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Canada, Chile, China, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Egypt, Ethiopia, Fiji, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Malawi, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Togo, Tonga, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zambia

Against:

Israel, Marshall Islands, United States of America

Abstaining:

None

12. *Draft resolution A/C.5/55/L.11, as a whole, was adopted by 109 votes to 3.*

13. **Mr. Yamanaka** (Japan) said that his delegation had voted in favour of the draft resolution as a whole because it had a responsibility, as a Member State, to ensure the financing of all United Nations peacekeeping operations, including the United Nations Interim Force in Lebanon (UNIFIL). He regretted,

however, that the draft resolution had not been adopted by consensus.

14. **Mr. Lamek** (France), speaking on behalf of the European Union, reiterated its position that the costs arising from the incident at Qana were of a special nature. A call for the financing of those costs through voluntary contributions would be welcome. Those costs should continue to be reflected in the budget, and the financing of the United Nations peacekeeping operations should continue to be a collective responsibility.

15. The European Union countries had abstained in the vote on the fourth preambular paragraph and paragraphs 2, 3 and 14 of draft resolution A/C.5/55/L.11 because those paragraphs were not appropriate in a draft resolution on financing. The political issues surrounding UNIFIL, including the incident at Qana, had already been discussed by the General Assembly, and the latter's position had already been expressed in its resolution 50/22 C. He regretted that the Fifth Committee had not confined its discussions to budgetary matters.

16. **Mr. Fox** (Australia), speaking also on behalf of Canada and New Zealand, said he was pleased that the draft resolution provided for the financing of an expanded UNIFIL. He regretted that no consensus had been reached on the text. Australia, Canada and New Zealand had abstained in the vote on the fourth preambular paragraph and paragraphs 2, 3 and 14, which represented a continuation of the regrettable practice of introducing political elements that were inappropriate in a draft resolution on financing. Those paragraphs undermined long-standing budgetary principles concerning the collective responsibility of Member States for financing peacekeeping operations. In that connection, he recalled that, as at 31 October 2000, only 21 per cent of the Member States had paid their assessed contributions to UNIFIL in full; he urged the remaining Members to pay their assessed contributions without further delay.

17. **Mr. Diab** (Lebanon) said that his delegation would make a statement on the draft resolution in the General Assembly, on behalf of the Group of Arab States. The draft resolution just adopted confirmed that the occupying State must fulfil its obligations under international law, on the basis of the principle that aggressor States must take full responsibility for their acts of aggression, particularly when such acts were deliberately directed against an active United Nations peacekeeping base.

18. **Mr. Adam** (Israel) said that the Committee was once again being used as a forum for biased political attacks on his country. He reiterated his country's position that the action at Qana had been necessary because Hizbollah had deliberately chosen to fire rockets on Israel from the United Nations base in disregard of the civilian population of the area. There was no precedent for the position that a particular Member State should bear the sole financial responsibility for damage sustained by a United Nations peacekeeping operation; the participants in such operations understood the dangers inherent in their duties, and the costs arising from any damage should be absorbed by the peacekeeping budget, in line with the principle of collective responsibility.

19. With respect to the incident at Qana, no country would have failed to act while rockets were being fired upon its citizens. Since Israel had withdrawn from southern Lebanon in full compliance with Security Council resolution 425 (1978), Hizbollah had taken its place, using that area as a base for its attacks on Israeli soldiers and civilians. It had crossed the withdrawal line and infiltrated Israeli territory, and had kidnapped three soldiers from the Israeli side of the border. No information had been received on those soldiers, and members of the International Red Cross and Red Crescent Movement had not been allowed to visit them. The Government of Lebanon should reassert its effective authority in southern Lebanon, as mandated by the Security Council in resolution 425 (1978).

20. Those Member States which cynically manipulated the Fifth Committee for political purposes should stop diverting the Committee's attention from the important issues it had to consider. He regretted that the Committee had had to depart from its practice of taking decisions by consensus. His delegation would have joined a consensus on the draft resolution if the latter had not contained the newly introduced political elements.

21. **Mr. Nguyen Xuan Ang** (Viet Nam) and **Mr. Almuslimani** (Bahrain) said that, if their delegations had been present during the voting, they would have voted in favour of draft resolution A/C.5/55/L.11.

22. **Ms. Mernik** (Slovenia) said that, if her delegation had been present during the voting, it would

have voted in favour of the fourth preambular paragraph and abstained in the vote on paragraphs 2, 3 and 14, and would have voted in favour of the draft resolution as a whole.

23. **Mr. Nakkari** (Syrian Arab Republic) and **Mr. Bhattarai** (Nepal) said that, if their delegations had been present during the voting on the fourth preambular paragraph and paragraphs 2, 3 and 14, they would have voted in favour of those paragraphs.

24. **Mr. Diab** (Lebanon) said that the representative of Israel had once again made false allegations. His delegation's position on the draft resolution was based on the principle that the aggressor must bear full responsibility for its act of aggression against a United Nations base. Most of the victims of that act had been elderly persons, women and children. The issue was not political, but humanitarian. The Member States must take responsibility for peacekeeping operations, ensure the safety and security of peacekeepers and preserve their accomplishments.

25. His delegation had frequently informed the Security Council and the Secretary-General of the violations perpetrated on a daily basis by the Israeli forces, which crossed the withdrawal line established by the Security Council and occupied Lebanese territory. Nineteen Lebanese citizens had been taken from their homes in Lebanon by those forces and were still detained in Israeli prisons. Israel's Supreme Court had recognized the legality of that action. He was surprised that Israel should invoke international legality when its own Supreme Court had attempted to legitimize hostage-taking. He asked whether Israel would allow members of the International Red Cross and Red Crescent Movement to visit the hostages in its prisons and what Israel was doing in the Lebanese territory it continued to occupy.

Other matters

26. **Mr. Nakkari** (Syrian Arab Republic) said that, since delegations always had the option of making statements under the agenda item "Other matters", the *Journal* should reflect that fact in listing the agenda items for each meeting. The *Journal* and the Committee's programme of work had indicated that action on the draft resolution on UNIFIL would be taken on 6 December. He hoped that, in future, more care would be taken to ensure that the *Journal* and the programme of work were accurate.

27. On another matter, he said that a number of delegations relied on the food services provided by the Viennese Cafe to break their fast during the month of Ramadan. As he had said in the informal consultations, he hoped that the Secretariat would ensure that the Viennese Cafe provided adequate services according to the practice followed the preceding year.

The meeting rose at 3.55 p.m.